



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



November 13, 2001

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 01-11**

Robin Rhoades, President
Polyclad Laminates
40 Industrial Park Drive
Franklin, NH 03235

**RE: Polyclad Laminates, 40 Industrial Park Drive, Franklin, NH 03235
EPA ID No. NHD 080027048**

Dear Mr. Rhoades

On March 8, 2001, the Department of Environmental Services (DES) conducted an inspection of Polyclad Laminates, (Polyclad). The purpose of the inspection was to determine Polyclad's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1000).

As a result of the inspection, the following deficiencies were documented

Env-Wm 502.01 – hazardous waste determination

At the time of the inspection, no formal hazardous waste determination had been performed on the sandblast grit generated at your facility.

Env-Wm 502.01 requires a generator of a waste to determine if their waste is a hazardous waste.

DES requests that Polyclad test a representative sample of the sandblast grit used on stainless steel for the characteristic of toxicity as defined in Env-Wm 403.06. These analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in A Test Methods for Evaluating Solid Wastes, SW-846.

2 Env-Wm 504.02(d) - generator notification

Current DES notification records do not reflect the change in generator status from a small quantity generator (SQG) to a full quantity generator (FQG).

Env-Wm 504.02(d) requires that a generator shall notify DES in writing of any changes to the information required in Env-Wm 504.02(b), including generator status, within 30 days of the effective date of the change.

DES requests that Polyclad complete and submit a subsequent notification form (enclosed) in order to accurately reflect the change in generator status.

3. Env-Wm 507.01(a)(3) - storage requirements

At the time of the inspection, one (1) 55-gallon container marked "NH01" in the Press Area was not closed.

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests that Polyclad ensure that containers storing hazardous wastes be closed at all times, except to add or remove waste from the containers.

4. Env-Wm 507.03(a)(1)d. – marking

At the time of the inspection, containers # 3 and 4 that were described as containing cupric chloride and containers # 5-8 that were described as containing cuprous chloride in the Etching Room were not marked with a waste number. (See container inventory).

Env-Wm 507.03(a)(1)d. requires that all containers used for the storage of hazardous waste be marked with the EPA or state waste number.

DES requests that Polyclad ensure that all containers used for the storage of hazardous waste be marked with the EPA or state waste number at the time they are first used to store hazardous waste.

5. Env-Wm 507.03(a)(2) - marking

At the time of the inspection, seven (7) containers located in Treater Area 1 were obscured.

Env-Wm 507.03(a)(2) requires that all containers used for the storage of hazardous waste have labels that are not hidden by walls or other containers.

DES requests that Polyclad ensure that all containers used for the storage of hazardous waste have labels that are accessible for viewing.

6. Env-Wm 509.02(a)(1) - inspection requirements

At the time of the inspection, Polyclad had not documented the inspections of the hazardous waste storage areas at the facility since December, 2000 for a total of nine (9) weeks.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s). Per 40 CFR 265.15(d), the inspection records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions taken.

DES requests that Polyclad record in an inspection log or summary, inspections of its hazardous waste storage areas. After conducting your first inspection, please submit a copy of the inspection log reporting the results to DES.

7. Env-Wm 509.02 (a)(2) – personnel training

A review of Polyclad's personnel training program revealed that some employees responsible for the management of hazardous waste have not received hazardous waste training appropriate for the duties assigned. Specifically, hazardous waste handlers Chuck Vose, JoAnn Irving, Lillian Luszey, Greg Sargent and James Binette had not received initial hazardous waste training. Training records, provided to DES at the time of the inspection, failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02 (a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste. Documents and records relating to personnel training must be maintained at the facility.

DES requests that Polyclad conduct and document hazardous waste training and annual reviews for all employees who handle hazardous waste, and maintain a written personnel training program which provides a description of the type and amount of introductory and continuing training that will be given to persons filling each hazardous waste related position. DES requests that Polyclad maintain, as part of the program, documents of hazardous waste job titles, job descriptions, and names of employees filling each position and correct any deficiencies as identified in the enclosed Hazardous Waste Generator RCRA Inspection Checklist. Please submit a copy of this personnel training program to DES. Enclosed please find a suggested outline for training programs that may be used as a guide.

8. Env-Wm 509.02(a)(4) – preparedness and prevention

At the time of the inspection, adequate aisle space was not provided for containers of hazardous waste located in the Treater Area 1.

Env-Wm 509.02(a)(4), which references 40 CFR 265.35 requires that generators must maintain required aisle space at each hazardous waste storage area. Required aisle space is further defined in Env-Wm 509.02 (e) to mean not less than 2 feet of aisle space to allow for inspection of at least one side of each container.

DES requests that Polyclad maintain the required aisle space for each container of hazardous waste at the Treater Area 1.

9. Env-Wm 509.02(a)(5) - contingency plan

At the time of the inspection, the contingency plan maintained at the facility was not up-to-date because it contained names of contacts that were no longer employed by Polyclad.

Env-Wm 509.02(a)(5), which references 40 CFR 265 Subpart D requires that full quantity generators maintain a complete contingency plan on site.

DES requests that Polyclad revise and update its contingency plan to contain all of the contents of a contingency plan as required in 40 CFR 265 Subpart D and provide documentation (e.g., return receipts, copies of individual letters of transmittal) that the plan has been submitted to state and local emergency response teams.

10. Env-Wm 509.02 (b) – emergency posting

At the time of the inspection, Polyclad did not have an emergency posting at the nearest telephone in Treater Area 1 and the Etching Room.

Env-Wm 509.02 (b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers and information at the nearest telephone to the hazardous waste storage area:

a) The emergency coordinators (home and office);

b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team to provide emergency services whose number is posted; and

c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requests that Polyclad post the required information at the nearest telephone to each hazardous waste storage area. Enclosed is a sample emergency posting for your reference.

At the time of the inspection, it was noted that a container of "waste acetone-based solvent" with a waste code of F003, located in the satellite storage area "Resin Mixing Room", had a closed safety funnel in the bung. DES would like to remind Polyclad of the air emission standards for containers as set forth in 40 CFR Subpart CC-Air Emission Standards for Tanks, Surface Impoundments and Containers as they apply to main storage areas for large quantity generators. These emission standards would require Polyclad to ensure that the standards for containers in main storage areas, as specified in 265.1087, are complied with (i.e. the container is equipped with a cover and closure device that forms a continuous barrier over the container openings such that when the cover and closure devices are secured and in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container). These standards would apply when the average volatile organic concentration exceeds 500 parts per million weight (ppmw) as set forth in 40 CFR 265.1083. For more information or if you have specific questions on RCRA Subpart CC, please contact Kenneth Rota, Chief of the RCRA Enforcement Unit, U.S. EPA Region 1 at (617) 918-1751.

DES believes the deficiencies can be corrected and a report describing the corrective measures taken by Polyclad can be submitted within thirty (30) days of receipt of this letter. Supporting documentation describing the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Polyclad, including issuing an order requiring that deficiencies be corrected, initiating another administrative fine proceeding and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of your facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed please find the Hazardous Waste Generator RCRA Inspection Checklist to assist you in assessing the noted violations. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information can be obtained from DES's website at <http://www.des.state.nh.us/hwcs> or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline, which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Nancy Phillips, Waste Management Specialist or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions on water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-2457; and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely

A large, bold, black 'COPY' stamp is placed over the signature.

Kenneth W. Marschner, Administrator
Waste Management Programs

CERTIFIED MAIL RRR# 7099 3400 0002 9773 2141

cc: Donald Maurer, Director of Corporate Environment, Health and Safety
DB/RCRA/LOD/Archive
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Esq., DES Enforcement Coordinator
Kenneth Rota, Chief of the RCRA Enforcement Unit, U.S. EPA Region

E mail: JJD, SD/WD, PM/ARD, SD/CO

Enclosure:

- 1) Sample Emergency Posting
- 2) Container Inventory
- 3) Hazardous Waste Generator RCRA Inspection Checklist
- 4) Notification Form
- 5) Suggested Outline for Personnel Training Records